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Filing date: **08/27/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200183
Party	Defendant Miss G-String International LLC
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Signature	/s/Luke Lirot
Date	08/27/2015
Attachments	Applicants Opposition to Opposers Motion to Extend Time - as filed - 8-27-2015.pdf(144244 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

THE WORLDS PAGEANTS, LLC and	)	Opposition No. 91200183
CAMILA PRODUCTIONS LTD	)	
Opposer,	)	
	)	For: "MISS G-STRING
	)	INTERNATIONAL"
v.	)	
	)	
MISS G-STRING INTERNATIONAL LLC	)	No. 77/753000
Applicant.	)	Published: December 7, 2010

COMMISSIONER OF TRADEMARKS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**APPLICANT'S OPPOSITION TO OPPOSER'S MOTION TO EXTEND TIME.**

Applicant, Miss G-String International LLC, by and through its attorney, hereby file Applicant's Opposition to Opposer's Motion to Extend Time, and would state as follows:

1. On May 19, 2015, the Board ordered proceedings herein to be resumed, identifying that Opposer's 15-day Rebuttal Period ended on June 27, 2015. The Board further ordered a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony, pursuant to Trademark Rule 2.125. Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b).
2. The Board's order, without equivocation, identified that Opposer's 15-day Rebuttal Period ended on June 27, 2015, and further referenced the applicable Trademark Rules 2.128(a) and (b). Trademark Rules 2.128(a) and (b) unequivocally identify that, "*The brief of the party in the position of plaintiff shall be due not later than sixty days after the date set for the close of rebuttal testimony*" therefore due not later than August 25, 2015.
3. Nevertheless, Attorney Aquilla ("Aquilla") representing Opposer, waited until the mandated sixtieth and final day to file Opposer's brief with the Board, yet, in lieu of, filed Opposer's Motion to Extend Time.
4. Aquilla affirms (i) "*my wife was my office assistant until she began battling breast cancer almost five years ago*", (ii) "*This winter the cancer advanced significantly*

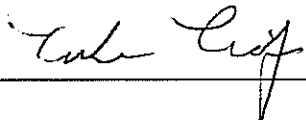
*resulting in stage IV metastatic breast cancer” and (iii) “...I have been practically unavailable to work and have been able to meet only my clients most urgent needs.”*

5. TBMP §509.01(a) states a motion to extend must set forth with particularity the facts said to constitute good cause for the requested extension; mere conclusory allegations lacking in factual detail are not sufficient. See *SFW Licensing Corp. v. Di Pardo Packing Ltd.*, 60 USPQ2d 1372, 1373 (TTAB 2001) (opposers had not come forward with “detailed facts” required to carry their burden explaining their inaction).
6. TBMP §509.01(a) further states a party moving to extend time must demonstrate that the requested extension of time is not necessitated by the party’s own lack of diligence in taking the required action during the time previously allotted. See *Luemme, Inc. v. D.B. Plus Inc.*, 53 USPQ 2d 1758, 1760-61 (TTAB 1999) (diligence not shown; discovery request not served until last day of the discovery period); and *Baron Philippe de Rothschild S.A. v. Styl-Rite Optical Mfg. Co.*, 55 USPQ2d 1848, 1851 (TTAB 2000) (applicant’s motion to extend discovery denied when counsel knew of unavailability of witness a month before, yet delayed until last day to seek an agreement on an extension of time.)
7. TBMP §509.01(a) further states the Board will “scrutinize carefully” any motion to extend time, to determine whether the requisite good cause has been shown. *Luemme, Inc. v. D.B. Plus Inc.*, *id.*
8. With all due respect, and acknowledging that Applicant is not without sympathy or compassion for any dire medical condition, Opposer’s Counsel’s statements referencing the timing of the illness, almost five years ago” and again, stating, “This winter the cancer advanced significantly...,” irrefutably confirms Opposer’s Counsel had significant advance knowledge which should have inescapably required Opposer’s Counsel to proactively secure alternate clerical help, or whatever additional assistance was needed, to timely meet his deadlines and obligations. The requested extension of time was necessitated by his own lack of diligence in taking the required action during the time previously allotted, therefore, the request is not sufficiently meritorious.
9. Further, Opposer’s Counsel’s statement referencing that he “...has been able to meet only my clients’ most urgent needs” irrefutably confirms Opposer’s Counsel views this action as not urgent, apparently not until the 60<sup>th</sup> day, therefore, the request is not sufficiently meritorious.
10. As reasons described in Opposer’s Motion to Extend Time were known well in advance of the Board’s order of May 19, 2015, Opposer’s Counsel has no excuse which would have prevented his filing of the Opposer’s Motion to Extend Time as early as the aforementioned date of the Board’s order, yet Opposer’s Counsel elected to needlessly delay this Opposition for the full sixty day response period mandated to file Opposer’s brief, only to seek even further unnecessary delays to file the brief with the Board, therefore, the request is not sufficiently meritorious.

11. Opposer's Counsel may not assume that extensions of time will always be granted, and there appears to be no reason why, in this instance, a brief was not timely filed. *See - Pond's Inc. v. Faberge, Inc.*, 618 F.2d 776, 205 USPQ 888, 891 (CCPA 1980).
12. Opposer's Counsel failed to produce detailed information regarding his apparent difficulty in preparing and submitting its evidence or why he waited until the last day to request the extension of time. (*Procyon Pharmaceuticals Inc. v. Procyon Biopharma Inc.*, 61 USPQ2d 1542, 1543-44 (TTAB 2001)
13. Opposer's Counsel, it would appear, knew he would not be able to comply with the deadline, yet waited until the penultimate day of response period to file the unconsented motion to extend time. (*Baron Philippe de Rothschild S.A. v. Styl-Rite Optical Manufacturing Co.*, 55 USPQ2d 1848, 1851 (TTAB 2000).
14. Opposer's Counsel failed to set forth detailed facts concerning the circumstances which necessitated the extension of time, and this records shows that the need for an extension, in fact, resulted from Opposer's Counsel's delay and lack of diligence during the previously-set period, since the complained medical condition was a fact long known. *See Luemme, Inc. v. D.B. Plus Inc.*, 53 USPQ2d 1758, 1760-61 (TTAB 1999)
15. Critically, Opposer's Counsel's request reflects a longstanding custom of obfuscation and delay in this action, as shown by the fact that 1) Opposer's Counsel failed to depose Opposer's Managing Member, Cardoso, in this matter, 2) Opposer's Counsel failed to respond to written correspondence sent by Applicant's Attorney in this matter, 3) Opposer's Counsel failed to respond to telephone messages left by Applicant's Attorney in this matter, 4) Opposer's Counsel failed to participate in the deposition of Applicant's Managing Member, Eadie.
16. Based on the foregoing, the condition asserted as the justification for the request has been well known for a very long time, and such last minute delay tactics have been part and parcel of the overall effort to delay any resolution in this case, all to the detriment of the Applicant.

WHEREFORE, Applicant respectfully requests Opposer's Motion to Extend Time to file Opposer's brief be denied.

Respectfully submitted,

By  \_\_\_\_\_

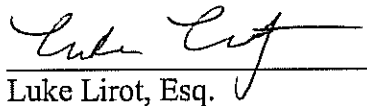
Signed: August 27, 2015

Luke Lirot, Esquire  
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*Attorney for Applicant*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Applicant's Notice of Filing Amended Certificate of Service and Errata Sheet and Corrections to Transcript and Accompanying Exhibits, has been served on Thomas T. Aquilla, Esq., as domestic representative of The Worlds Pageants, LLC, and Camilla Productions, Ltd., by mailing said copy on August 27, 2015, via First Class U.S. Mail, postage prepaid to: Thomas T. Aquilla, Esq., 221 Coe Hill Road, Center Harbor, New Hampshire 03226.

  
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Luke Lirot, Esq.

Signed: August 27, 2015